

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:00CV144

SUPERGUIDE CORPORATION,)	
a North Carolina Corporation,)	
)	
Plaintiff,)	
)	
Vs.)	
)	
DIRECTV ENTERPRISES, INC.,)	
<i>et al.</i> ,)	<u>O R D E R</u>
)	
Defendants/Third)	
Party Plaintiffs,)	
)	
Vs.)	
)	
GEMSTAR DEVELOPMENT)	
CORPORATION,)	
)	
Third-Party Defendant.)	
)	

THIS MATTER is before the Court on the parties' responses to the Order of July 11, 2005.

SuperGuide asks that the Court dismiss its claims for infringement with prejudice. The Defendants ask the Court to reimpose the judgment previously rendered. The Court finds the Federal Circuit affirmed the claim construction of the undersigned as to the Hallenbeck '211 patent. The Court will, therefore, re-enter judgment for the Defendants and against SuperGuide for the same reasons as previously determined in *SuperGuide v. DirecTV Enter., Inc.*, 211 F.Supp.2d 725 (W.D.N.C. 2002).

As to Hallenbeck ‘357, the Federal Circuit made a clarification of one claim and a modification of another. However, neither impacts the finding of non-infringement entered by the undersigned. *Id.* As a result, the Court will re-enter judgment for the Defendants.

IT IS, THEREFORE, ORDERED that the Defendants’ joint motions for summary judgment of non-infringement of the Hallenbeck ‘211 and Hallenbeck ‘357 patents are hereby **ALLOWED.** Judgment is entered simultaneously herewith.

Signed: August 26, 2005



Lacy H. Thornburg
United States District Judge

